



**ORDINANCE NUMBER 2850**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW ON-SITE SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT TO BE LOCATED AT 13260 JOSEY LANE, SUITE 105, GENERALLY AT THE NORTHEAST CORNER OF JOSEY LANE AND VALLEY VIEW LANE AND WITHIN THE PLANNED DEVELOPMENT NUMBER 6 (PD-6) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 2.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow on-site sales and consumption of alcoholic beverages within a qualifying restaurant to be located at 13260 Josey Lane, Suite 105, generally located at the northeast corner of Josey Lane and Valley View Lane and within Planned Development Number 6 (PD-6) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

**SECTION 3.** That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 6 (PD-6) zoning district and in accordance with the approved site plan attached as Exhibit "C," the plan of operation attached as Exhibit "D" and the alcohol awareness program attached as Exhibit "E." All exhibits attached hereto are incorporated herein by reference.

**SECTION 4.** That the site plan attached hereto as Exhibit "C" is hereby approved.

**SECTION 5.** That the alcohol sales shall, at all times, maintain full compliance with all requirements of Texas State Law and the City of Farmers Branch Comprehensive Zoning Ordinance relative to such use.



**SECTION 6.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

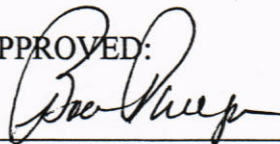
**SECTION 7.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 8.** In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 9.** This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 5th day of December, 2005.**

APPROVED:



Bob Phelps, Mayor

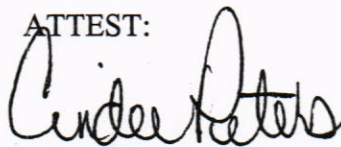
APPROVED AS TO FORM:



City Attorney

(Reviewed by Atty. J. Boyle, 11/17/05)

ATTEST:



Cindee Peters, City Secretary

Legal Description

Suite 105, Lot 2 of the Valley View Central Addition Revised, City of Farmers Branch, Dallas County, Texas. Volume 2001056, page 010.



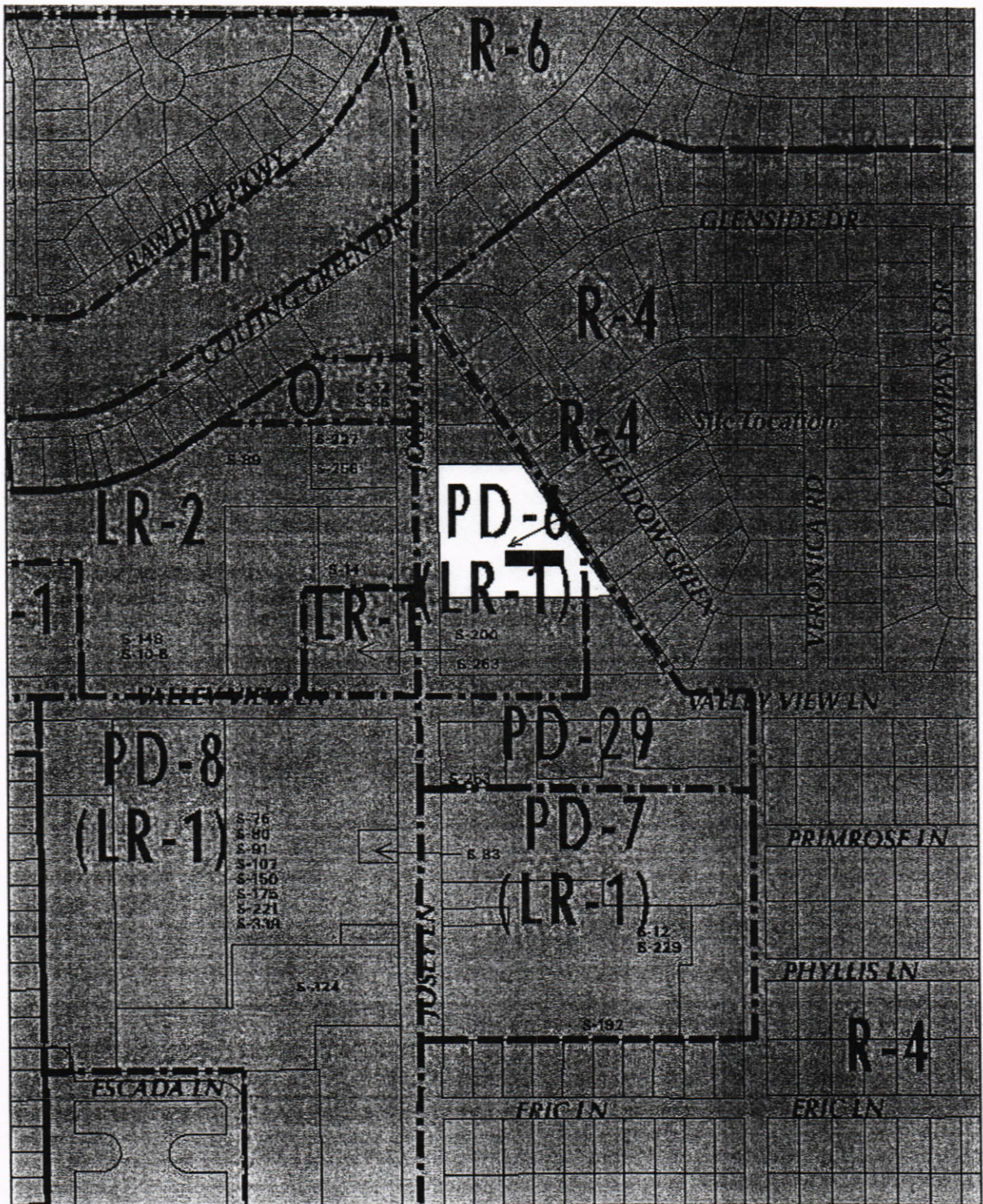
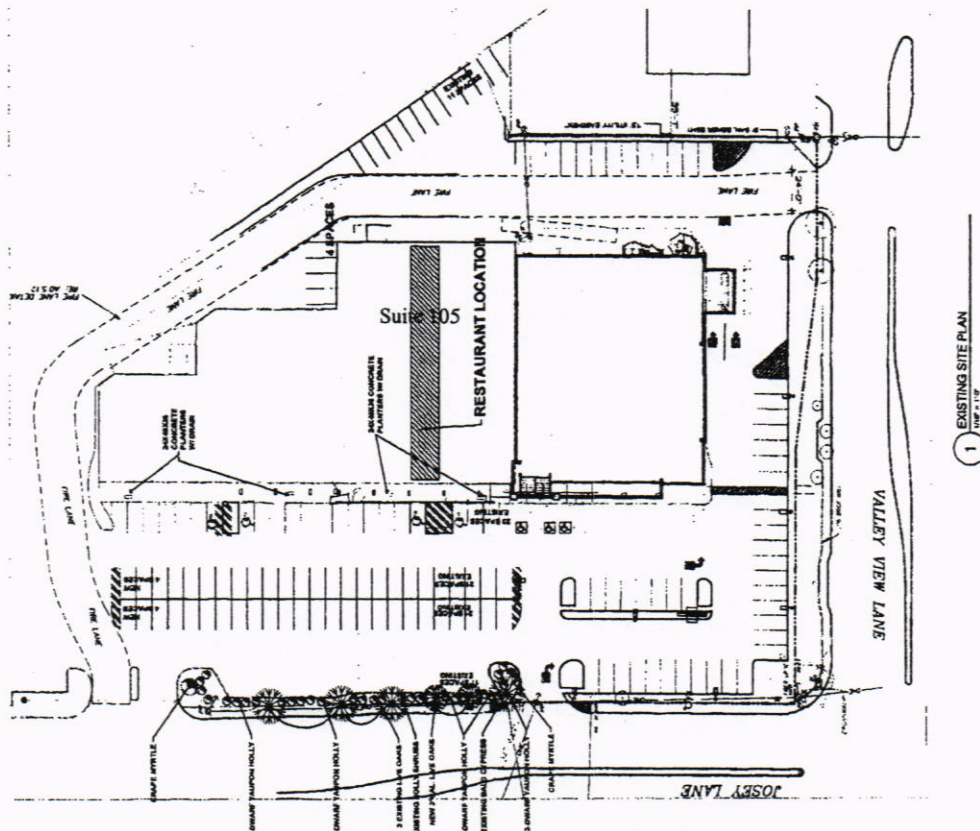


Exhibit "B" (Page 1 of 1)  
Location Map

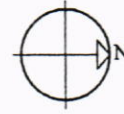
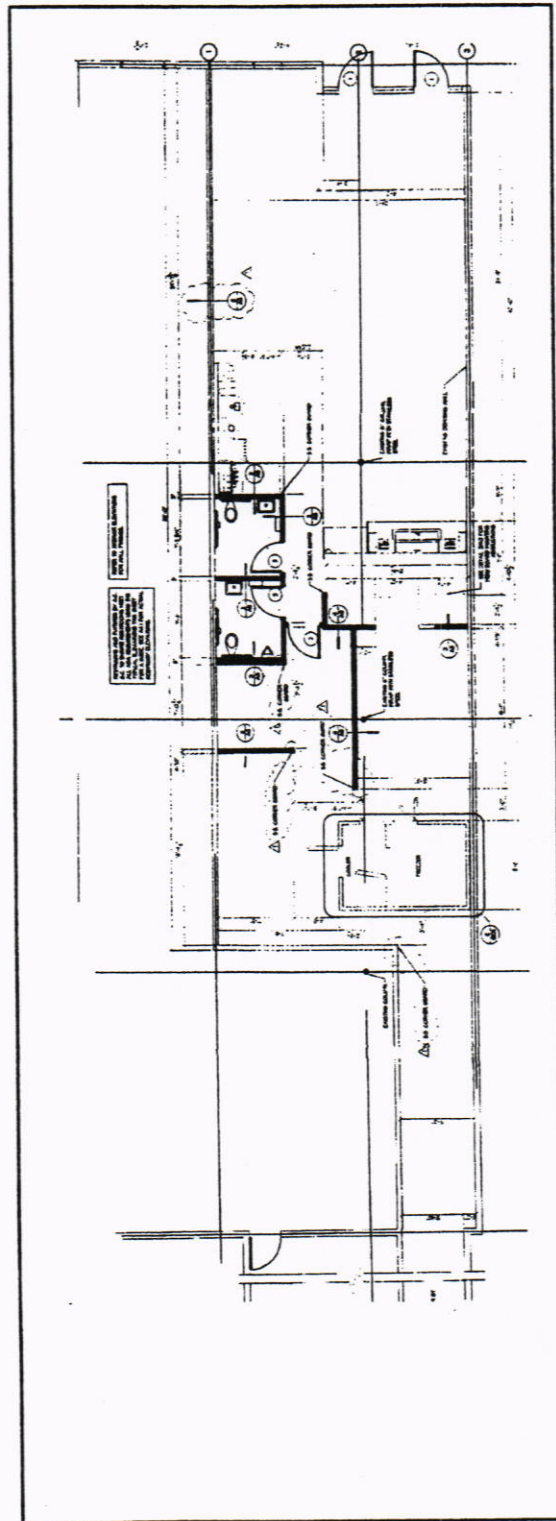




1 EXISTING SITE PLAN  
 1/8" = 1' - 0"

**PARKING CONFIGURATION**  
 CURRENT PARKING - 44  
 EXISTING PARKING - 13  
 TOTAL PARKING - 107  
 (INCLUDES 4 ADA SPACES)

Exhibit "C" (Page 1 of 3)  
 Site Plan and Landscape Plan



1 FLOOR PLAN  
1/8" = 1'-0"

Exhibit "C" (Page 2 of 3)  
Site Plan and Landscape Plan

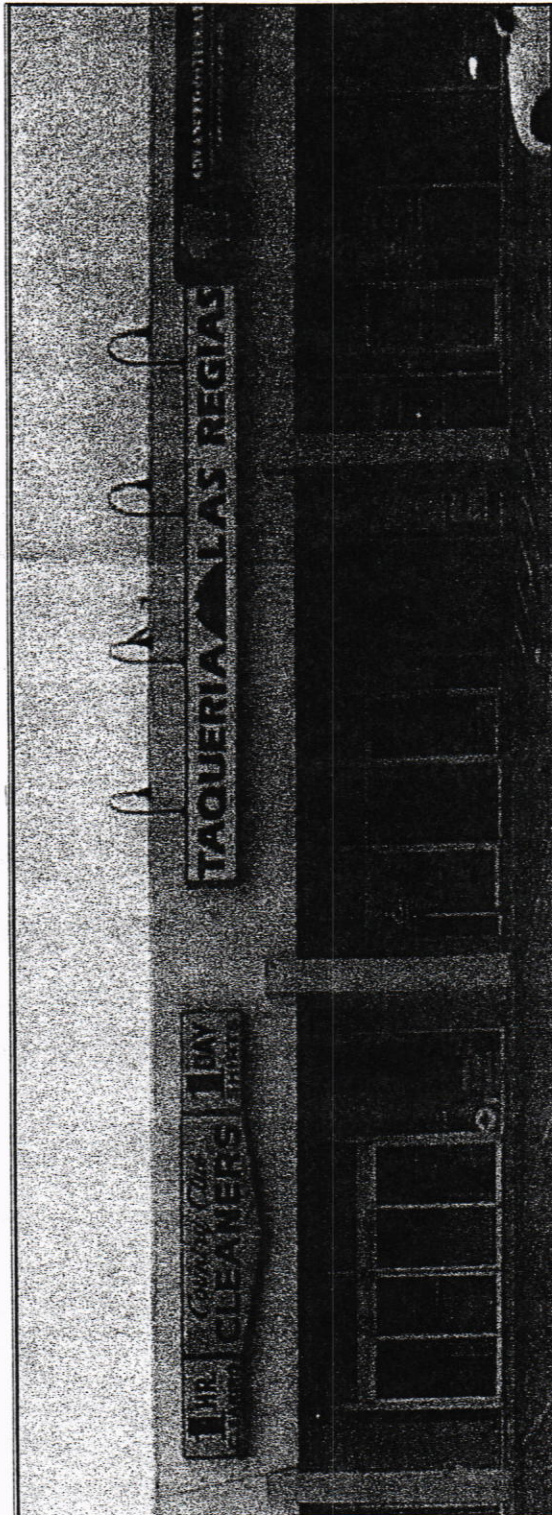


Exhibit "C" (Page 3 of 3)  
Site Plan and Landscape Plan





Planning & Zoning Commission of the City of Farmers Branch  
Application for Specific Use Permit

Revised: JM  
11/04/05 gjs

## PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use ~~the~~ Mexican Restaurant. Sale of  
alcoholic beverages within restaurant

Indicate hours of operation of the proposed use Open 6 days per week, closed on  
Wednesdays. Mon-Thru 10:30 to 10:00pm FRIDAY 10:30 - 12:00AM

Saturday 10:30 AM - 4:00 AM - Sunday 10:30 AM - 11:00 PM - we will comply  
with state regulations. Fridays and Saturdays we will serve alcoholic  
~~Total number of employees~~

beverages until 12:00 AM. Sundays we will serve alcoholic beverage  
until 11:00 PM

Indicate if any storage is proposed outside the building NO

Indicate if any activity is proposed outside the building NO

Any other relevant unique information on the business or site NO

## **Taqueria Las Regias**

### **Alcohol Awareness Program**

Taqueria Las Regias requirements for alcohol service are as follows:

1. Taqueria Las Regias will require wait staff and managers to attend a state-approved alcohol-serving program. The program will be approved by the Texas Alcoholic Beverage Code.
2. Taqueria Las Regias wait staff and managers will take a written examination at the completion of the state approved alcohol-serving program.
3. Customers will provide a legal picture ID that will consist of the following: Driver's License, Military ID, State ID or Passport upon request.
4. A Taqueria Las Regias Manager will be on duty to ascertain whether or not a customer can be served alcohol.
5. Taqueria Las Regias will abide by Texas Penal Code.
6. Taqueria Las Regias will abide by the Texas Alcoholic Beverage Code.
7. All Taqueria Las Regias employees who directly or indirectly handle alcoholic beverages will be at least 18 years of age.
8. Only Taqueria Las Regias wait staff will serve alcoholic beverages and all alcoholic beverages will be served for consumption inside the restaurant only.
9. All customers who purchase alcoholic beverages must be at least 21 years of age.
10. Alcoholic beverages will not be sold, served or delivered to any person who is, or is believed to be intoxicated.
11. Anyone that is, or is believed to be intoxicated will not be permitted to remain on the premises.
12. Taqueria Las Regias will call a cab to transport anyone who is, or believed to be intoxicated.
13. Any unlawful acts will be reported to the police.
14. No alcoholic beverages will be sold before opening.
15. No alcoholic beverages will be sold after closing.
16. Taqueria Las Regias will not hang any exterior signs advertising the sale of alcohol.
17. Taqueria Las Regias gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
18. Taqueria Las Regias shall maintain and keep records necessary to demonstrate compliance with the minimum 60% food and non-alcoholic beverage sales of the restaurant's total gross sales.